

REMARKS

1. Status of claims

After entry of the above amendment, claims 1-6 and 20-40 are pending. Claims 7-19 have been canceled without prejudice.

2. Support for amendment

The above amendment of claims 2 and 5 finds support in the specification at p. 6, line 31. Claims 1 and 3 have been amended to correct objections raised by the Examiner. Claim 4 has been rewritten in dependent form. No new matter has been added by this amendment.

3. Objections to disclosure

The Examiner objected to the specification at p. 7, line 25, for citing an amino acid sequence (GGDIGGG) without a sequence identifier. By the above amendment to the specification, this sequence has been identified as SEQ ID NO:7. A sequence listing and accompanying computer-readable form thereof incorporating this sequence are being mailed concurrently herewith.

The Examiner also objected to the specification at p. 7, line 15 for citing a copending application without providing the application serial number. By the above amendment to the specification, the copending application has been identified by application serial number.

The Examiner also objected to Figures 1A, 1B, and 3A for having dark backgrounds or data columns of identical dark color. By the replacement drawing pages attached hereto, corrected copies of Figures 1A, 1B, and 3A are presented.

Applicants submit the bases for these objections have been removed and request these objections be withdrawn.

4. Objections to claims

The Examiner objected to claims 2, 4, and 5 for containing non-elected sequences and using the term “[SEQ ID NO. x]” instead of “(SEQ ID NO: x)” as suggested by the Examiner. By the above amendment, non-elected sequences have been removed from claims 2, 4, and 5, and the objected term has been replaced with the suggested term.

The Examiner objected to claim 3 for reciting “bone-derived angiogenic proteins proteins.” By the above amendment, this syntactical error has been corrected.

Applicants submit the bases for these objections have been withdrawn and request their withdrawal.

5. Claim rejections under 35 U.S.C. §112

The Examiner rejected claims 1-7 under 35 U.S.C. §112, second paragraph, as being indefinite for reciting SEQ ID numbers that do not correspond to the specification and sequence listing. By the above amendment, peptide GGIGDG is identified as SEQ ID NO:2, which corresponds to the SEQ ID number given to it in the specification and sequence listing. Therefore, Applicants submit the basis for this rejection has been withdrawn and request its withdrawal.

6. *Claim rejections under 35 U.S.C. §103*

The Examiner rejected claims 1 and 5-7 under 35 U.S.C. §102(a) as being unpatentable over Schor, WO99/02674 (“Schor”). In view of the above amendment, Applicants traverse this rejection.

Schor discloses a compound with a relative molecular mass less than 15,000 and comprising the peptide IGD or a peptide or non-peptide mimic thereof.

Claims 1 and 5-7 recite compositions comprising the peptide sequence GGIGDGG (SEQ ID NO:2). In light of the fact there are 20 different naturally occurring amino acids, there are 800,000 (5×20^4) heptapeptides containing an IGD sequence. There is no teaching or suggestion in Schor to guide the skilled artisan to contemplate the species GGIGDGG out of the large genus of heptapeptides containing an IGD sequence. Further, Schor teaches away from the species GGIGDGG, as shown at p. 5, fifth paragraph, by indicating preferred sequences larger than IGD include IGDS or IGDQ.

Therefore, Schor does not guide the skilled artisan to contemplate the invention as presently claimed. (*In re Baird*, 16 F.3d 380, 29 USPQ2d 1550). Applicants submit claims 1 and 5-7 are patentable over Schor and request this rejection be withdrawn.

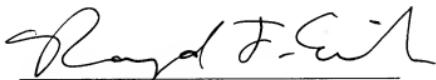
7. *Final remarks*

In conclusion, Applicants submit all pending claims under consideration are in condition for allowance. The Examiner is invited to contact the undersigned patent agent at (713) 934-4065 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON, P.C.
CUSTOMER NO. 45488

October 19, 2005



Raymund F. Eich, Ph.D.
Reg. No. 42,508
10333 Richmond, Suite 1100
Houston, Texas 77042
(713) 934-4065
(713) 934-7011 (fax)

AGENT FOR APPLICANTS